IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7829 OF 2006

Jaykumar Vinayakarao Pawar ..Petitioner

Versus

Babaso Shamrao Chambhar (More)

and Ors. ....Respondents

N.V.Walawalkar for the petitioners.

S.S.Patwardhan for the respondents.

CORAM: S.C.DHARMADHIKARI, J.

4th December, 2007.

P.C. :

1. The petitioner is aggrieved by the order of the Lower Appellate Court dated 18.8.2006 which grants an interim injunction in Reg.Civil Suit No. 106 of 2006 which is pending on the file of the 7th Joint Civil Judge, Junior Division, Kolhapur.

2. After the matter was argued for some time, the

parties are agreeable to the following order being passed :

3. Hearing of Reg.Civil Suit no. 106 of 2006 is expedited. The trial court to endeavour and dispose off the said suit as expeditiously as possible and in any event by 31.12.2008. The Trial Court to dispose off the suit uninfluenced by the observations made in the interim orders passed by it so also by the Lower Appellate Court.

4. The order of the Lower Appellate Court to continue till the disposal of the suit. However, if the recording of the evidence in the suit does not commence within a period of six months from today, then, the original defendant Nos.30 to 32 in the suit would be at liberty to apply for modification of the order of the lower appellate court and such an application if made shall be considered by the Trial Court on its own merits and in accordance with law. While deciding the application,the Trial court not to be influenced by the order of the Lower Appellate court but consider the same in the light of the directions issued by this

court. sd/-

****